

FILED

Clerk

District Court

JUL 26 2005

1 For The Northern Mariana Islands

2 By \_\_\_\_\_

(Deputy Clerk)

6 - For Publication -

7 IN THE UNITED STATES DISTRICT COURT  
8  
9 FOR THE NORTHERN MARIANA ISLANDS

11 JOHN (JACK) ANGELLO, ) Civil Action No. 03-0014  
12 )  
13 Plaintiff )  
14 v. ) ORDER DENYING  
15 ) MOTION TO COMPEL  
16 NORTHERN MARIANAS )  
17 COLLEGE, )  
18 Defendant )

19 THIS MATTER came before the court on Thursday, July 21, 2005, for  
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21 hearing of plaintiff's motion that defendant be compelled to provide certain  
22 documents. Plaintiff appeared personally and by and through his attorney, Danilo T.  
23 Aguilar; defendant appeared by and through its attorney, F. Matthew Smith.

24 THE COURT, having considered the written and oral arguments of counsel,  
25 hereby denies the motion.

1 Plaintiff timely served his first request for documents to defendant on July 7,  
2 2004. Plaintiff served a second request for documents to defendant on March 9,  
3 2005, because plaintiff was dissatisfied with defendant's response to the first request  
4 for production. Defendant objected to several of plaintiff's requests and refused to  
5 produce the requested documents, asserting that they were either unavailable or  
6 irrelevant. On June 15, 2005, plaintiff moved to compel the production of  
7 documents by defendant.

8 The case management scheduling order established that all discovery was to  
9 be completed by April 29, 2005, and that all discovery motions were to be filed by  
10 May 26, 2005. Federal Rule of Civil Procedure 16(b)(6) provides in part that a case  
11 management scheduling order "shall not be modified except upon a showing of  
12 good cause and by leave of the district judge" [emphasis added]. Both parties are  
13 bound by the deadlines imposed and in open court plaintiff conceded his motion  
14 was untimely.

15 While the court continues to encourage parties to cooperate and allow for  
16 extensions, the court has consistently denied granting extensions beyond the case  
17 management scheduling order without timely leave of the court having first been  
18 sought. *See e.g. A.I.R.S. v. CNMI Travel Agency*, (D.N.Mar.I., 2004); *Aguon v. CPA*,  
19 (D.N.Mar.I., 2001). The record shows that plaintiff has continually requested the  
20 same documents and that defendant has consistently opposed the request. Given  
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1 the known impasse between the parties, plaintiff should have moved to compel  
2 production prior to the case management scheduling order deadline.  
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4 For these reasons, and on these facts, the court, in an exercise of its sound  
5 discretion, denies plaintiff's motion to compel production of documents by  
6 defendant.  
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8 **IT IS SO ORDERED.**

9 DATED this 26 day of July, 2005.

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12 DAVID A. WISEMAN  
13 Judge  
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